

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
STEPHEN GANNON, :
:
Plaintiff, : 22 Civ. 699 (LGS)
-against- :
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162 EAST BROADWAY LLC, et al., :
:
Defendants. :
:
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ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by the Default Judgment Order dated May 13, 2022, Plaintiff was granted judgment against Defendants 162 East Broadway LLC and Raise Hospitality, LLC (Dkt. No. 24). The matter was then referred to Magistrate Judge Robert W. Lehrburger for an inquest on damages and recommendation of the terms of permanent injunctive relief (Dkt. No. 25);

WHEREAS, on August 25, 2022, Judge Lehrburger issued a Report and Recommendation (the “Report”) recommending that Plaintiff be awarded \$1,000 in compensatory damages, \$500 in statutory damages and injunctive relief consistent with that described in the Report. Plaintiff’s application for attorneys’ fees and costs would be deferred until after entry and enforcement of the judgment (Dkt. No. 33);

WHEREAS, as stated in the Report, the deadline for any objections was fourteen days from service of the Report;

WHEREAS, on September 7, 2022, counsel for Plaintiff filed a certificate of service stating that Defendants had been served with a copy of the Report on September 1, 2022 (Dkt. No. 34);

WHEREAS, no objections were timely filed;

WHEREAS, in reviewing a magistrate judge’s report and recommendation, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the

magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district judge is required to “determine de novo any part of the magistrate judge’s disposition that has been properly objected to” by any party. Fed. R. Civ. P. 72(b)(3); *accord United States v. Romano*, 794 F.3d 317, 340 (2d Cir. 2015). To invoke de novo review of the magistrate judge’s recommendations, a party’s “objections must be specific and clearly aimed at particular findings in the magistrate judge’s proposal.” *McDonaugh v. Astrue*, 672 F. Supp. 2d 542, 547 (S.D.N.Y. 2009) (internal quotation marks omitted). “[W]hen a party makes only conclusory or general objections, or simply reiterates his original arguments, the court reviews the report and recommendation strictly for clear error.” *Piligran v. Icahn Sch. of Med. at Mount Sinai*, 490 F. Supp. 3d 707, 715 (S.D.N.Y. 2020) (internal quotation marks omitted);

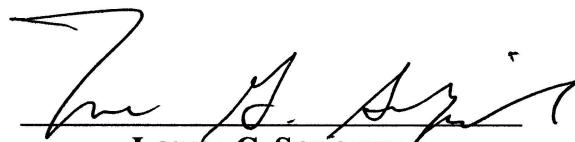
WHEREAS, the Court finds no clear error on the face of the record as to the recommendation to award damages, attorneys’ fees and injunctive relief. It is hereby

ORDERED and ADJUDGED that the Report is ADOPTED in full. Plaintiff is awarded damages in the amount of \$1,500 and injunctive relief consistent with that described in the Report. The parties shall adhere to the schedule set forth by Judge Lehrburger: (1) Within **90 days** of the filing of proof of service of this Order, Defendants shall submit to Plaintiff’s counsel an architectural plan to rectify the barriers at 162 East Broadway (the “Subject Facility”) and bring the Subject Facility’s means of access into compliance with the ADA. Defendants’ plan shall also identify any modifications to policies, practices or procedures necessary to achieve accessibility to the Subject Facility by wheelchair users; (2) within **60 days** from receipt of Defendants’ plan, Plaintiff shall consent to it, or seek further relief from the Court; and (3) within **120 days** of Plaintiff’s consent or subsequent order of the Court regarding Defendants’ plan for remediating the barriers, Defendants shall fully implement the plan, including as may be modified or supplemented by the Court. It is further

ORDERED that Plaintiff shall submit a motion and support for calculation of attorneys' fees and costs after entry and enforcement of the judgment.

The Clerk of Court is respectfully directed to enter judgment accordingly.

Dated: October 5, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE